

March 29, 2021

Hon. Paul G. Gardephe  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2204  
New York, NY 10007

*Via ECF*

**Re: *ACLU v. U.S. Dep't of Homeland Security*, No. 20 Civ. 10083 (PGG)**  
**Joint request for telephonic pretrial conference**

Dear Judge Gardephe,

Counsel in the above-captioned Freedom of Information Act case jointly write regarding the upcoming pretrial conference, scheduled for April 8, 2021, at 9:45 a.m. The Notice of Pretrial Conference transmitted on December 4, 2021 (ECF No. 13) indicates that the conference will be held in-person in Courtroom 705. In light of the continuing risk of transmission of Covid-19, the parties respectfully request that the Court hold the conference telephonically.

Transmission rates for Covid-19 remain extremely high in New York City. Not all undersigned counsel have yet been able to receive the vaccine, and even vaccinated individuals remain at some risk for contracting and transmitting the virus. Additionally, Shreya Tewari, a legal fellow at the ACLU Foundation<sup>1</sup> and part of Plaintiff's counsel team, is working from the West Coast while the ACLU's physical office in New York remains closed and would be unable to join an in-person conference.

The parties believe the conference in this FOIA case will be able to proceed without difficulty if held telephonically, and respectfully ask the Court to hold the April 8 conference via telephone or remote video link.

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<sup>1</sup> Ms. Tewari is a law graduate not yet admitted to the New York bar, and therefore not yet able to enter an appearance in this case.

Respectfully Submitted,

/s/ Jessica Rosenbaum

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### **Certificate of Service**

I hereby certify that on this 29th day of March, 2021, I electronically filed the foregoing letter using the Court's CM/ECF system, which effects service upon counsel for Defendants.

/s/ Nathan Freed Wessler

Nathan Freed Wessler